

INFO	LOG-00	AID-00	CEA-01	CIAE-00	COME-00	CTME-00	INL-00
	DODE-00	DOTE-00	PERC-00	SRPP-00	EB-00	EXIM-01	E-00
	FAAE-00	VC-00	FRB-00	H-00	TEDE-00	INR-00	ITC-01
	L-00	VCE-00	AC-00	NSAE-00	NSCE-00	OES-00	OMB-00
	OPIC-01	ACE-00	SP-00	SSO-00	SS-00	STR-00	TRSE-00
	USIE-00	EPAE-00	DRL-00	G-00	NFAT-00	SAS-00	/004W

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C O N F I D E N T I A L BOGOTA 003628

E.O. 12958: DECL: 04/06/2015
TAGS: ECON, KJUS, PROL, EPET, CO
SUBJECT: GOC AIRS CONCERNS OVER CALIFORNIA LAWSUIT AGAINST
OCCIDENTAL PETROLEUM AND AIRSCAN FOR 1998 SANTO DOMINGO
BOMBING

REF: A. 2000 BOGOTA 09890
B. 2001 BOGOTA 00504
C. 02164
D. 05864
E. 11158
F. 2002 BOGOTA 01587
G. 02351

Classified By: Ambassador William B. Wood, reason 1.4 (b).

1. (U) SUMMARY: The MFA has notified the Embassy of its concern over a pending lawsuit in Federal District Court in California concerning the controversial bombing of the Colombian village of Santo Domingo in 1998 (see reftels), which it fears may have negative repercussions on bilateral relations. END SUMMARY.

2. (U) A Colombian filed the lawsuit on April 24, 2003 under the Alien Tort Claims Act. It argues that two U.S. companies, Occidental Petroleum and Airscan Inc., share responsibility for the Colombian Air Force's bombing of the village of Santo Domingo, Arauca department, in December 1998, in which 17 people were killed. An Airscan crew in a small surveillance aircraft, operating on a contract with the Colombian Air Force funded with Occidental contributions, made targeting suggestions to Colombian Air Force helicopter crews during a military confrontation with the FARC near Santo Domingo. At the time, the Airscan aircraft was

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: OSCAR J OLSON
CLASSIFICATION: UNCLASSIFIED
DATE/CASE ID: 09 JAN 2007 200500343

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conducting anti-guerrilla surveillance of the pipeline that carries oil from Occidental's wells in Arauca.

3. (SBU) MFA contacts told EconOff that such a legal process would likely require a weighing of fault. The MFA specifically cited the specter of Colombian air force officers testifying under a U.S. subpoena as a concern. A finding by a U.S. court that the GOC or military acted in bad faith in Colombian territory was also a concern. The Ministry learned that the presiding judge in the case had contacted the Department to inquire about the case's potential impact on bilateral relations, and the MFA transmitted its concerns to post via verbal and diplomatic note.

4. (U) Post received verbal note VER-CEC No. 1278 of March 12, 2004, which referred to the case and stated that "the responsibility of Colombian government for the events... remains under investigation by the Colombian judicial system under the principle of territoriality." Post received Diplomatic Note VRE-CEC No. 12785 of March 12, 2004, in reference to the suit. Informal Embassy translation follows:

The Ministry of Foreign Relations sends its sincere greetings to the Embassy of the United States of America and makes reference to verbal note VER-CEC No. 3866 of February 25, 2004, which mentions a lawsuit filed before the District Court of California on April 24, 2003, against Occidental Petroleum Corporation and Airscan, Inc. for events which took place in the municipality of Santo Domingo, Arauca, Colombia, in December of 1998 (Case No. 03-CV-2860-WJR (JWJX)).

The Ministry of Foreign Relations wishes to add that the Government of Colombia believes an eventual decision in the aforementioned case could have repercussions on its relationship with the United States. The Ministry of Foreign Relations takes this opportunity to assure the Honorable Embassy of the United States of America of its highest consideration.

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